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authority, and containing similar recitals. The court found in the principal case that "express authority was given: (1) to issue the bonds with 'such other provisions as the council may think proper to insert:' (2) to sell 'at not less than par value' * * * * *; and (3) the city is required to pay principal and interest 'as they shall fall due, and reimburse itself through the special assessments.'" With these powers given, it seemed clear to the court that authority was given to make the bonds a "general obligation," and that the city was, therefore, estopped, special stress being put upon the words, "such other provisions as the council may think proper to insert."

MUNICIPAL CORPORATIONS—LIABILITY FOR INJURY TO PEDESTRIAN.—One end of a billboard leaned against a building and the other rested upon the sidewalk in defendant city. The walk was flush with the building, but the latter was situated three feet from the street line. The plaintiff while passing along the walk was injured by the billboard which the wind blew against him. In this action against the city, *held*, he cannot recover. *Temby v. City of Ishpeming* (1906), — Mich. —, 108 N. W. Rep. 1114.

This case was appealed to the Supreme Court in 1905 on the ground that the court ought to have directed a verdict for the defendant. A new trial was ordered and the plaintiff again recovered, and it was appealed a second time on the same ground. The original case is reported in 103 N. W. Rep. 588, 69 L. R. A. 618, 140 Mich. 146. The plaintiff based his case upon two propositions: (1) That all the walk was part of the highway, (2) That the billboard was a nuisance which the city was under an obligation to abate. In deciding the first proposition the court took the view that, although the part between the walk and building was paved, still it was not part of the highway and the city never so treated it. *Village v. Gallagher*, 52 O. S. 185; *Clark v. Muskegon*, 88 Mich. 309. The plaintiff has evidently misconceived his case. Had the action been brought against the owner of the property perhaps it might have been maintained. In that case the first proposition would have been well taken, if at the time of the injury the plaintiff were upon the defendant's property, technically, he might have been a trespasser. But this would have been excused on his part, since the walk extended to the building. Thus the plaintiff could presume that it was open for travel. *Beck v. Carter*, 6 Hun (N. Y.) 604; *Croghan v. Shiele*, 53 Conn. 186; *Rachmel v. Clark*, 205 Pa. 314. On the second point the court said "the city has neither possession nor authority to invade private premises to summarily remove such things belonging to the proprietor which may be thought dangerous." Judicial proceedings must be taken to abate nuisances existing on private premises. The decision in this case is based on sound reason and is in accord with the weight of authority. *City of Anderson et al. v. East*, 117 Ind. 128; *Kiley v. City of Kansas*, 87 Mo. 103.

NEGLIGENCE—FIRE FROM IMPROPER TELEPHONE GUY WIRE.—A telephone company attached a guy wire from one of its poles, to plaintiff's barn, which wire had no lightning arrester nor circuit breaker. During a storm, some of the poles were struck by lightning and the barn was destroyed by fire.